

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-5 and 7-15 are pending in the present application. Claim 6 has been cancelled. Claims 1, 7, and 12-15 have been amended. Claims 1 and 13-15 are independent claims. The Examiner is respectfully requested to reconsider the outstanding rejections in view of the amendments and the following remarks.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claims 13 and 14 as being allowable if rewritten in independent form. Without conceding the appropriateness of the Examiner's rejections, claims 13 and 14 have been rewritten in independent form. Thus, claims 13 and 14 are now in condition for allowance.

Claim for Priority

It is gratefully acknowledged that the Examiner has recognized Applicants' claim for foreign priority. In view of the fact that Applicants' claim for foreign priority has been perfected, no additional action is required from Applicant at this time.

Drawings

It is gratefully acknowledged that the Examiner has accepted the Formal Drawings filed on March 11, 2005.

Acknowledgment of Information Disclosure Statement

The Examiner has acknowledged the Information Disclosure Statement filed on March 11, 2005. An initialed copy of the SB/08 has been received from the Examiner. No further action is necessary at this time.

Claim Objections

The Examiner objected to claim 1, line 1, because “having” should be replaced with “--comprising--”. Claim 1 has been amended accordingly and, thus, this objection should be withdrawn.

The Examiner objected to claim 12, line 2, because “the” should be deleted after “outputs.” Claim 12 has been amended accordingly and, thus, this objection should be withdrawn.

Prior Art Rejections

Claims 1, 3-5, and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent Publication No. JP 06-303171 to Abe et al. (hereafter “Abe”). Claims 2 and 6-12 stand further rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of U.S. Patent No. 6,603,961 to Kuroda et al. (hereafter “Kuroda”). These rejections, insofar as it pertains to the presently pending claims, is respectfully traversed.

Claim 1 has been amended to incorporate the subject matter of now-cancelled claim 6. Accordingly, claim 1 now recites, “an estimated power value calculator that outputs, as said first power, an estimated power value obtained from the result of channel characteristic estimation using a reference signal contained in the first received signal.” Claim 15 has been amended to recite similar features.

In the Office Action, the Examiner admits, “Abe fails to disclose an estimated power value obtained from the result of channel characteristic estimation using a reference signal contained in the first received signal” (Office Action at page 6, last paragraph). Thus, the § 102 rejection has been obviated by these amendments.

However, in the § 103 rejection, the Examiner relies on Kuroda to remedy the aforementioned deficiency in Abe. Particularly, the Examiner asserts that Fig. 3 in Kuroda

teaches “a signal received by antenna 101.sub.1 is processed through elements 102.sub.1, 103.sub.1 and 105.sub.1 before being calculated by received power detecting device 106.sub.1” (Office Action at page 7, first paragraph). Thus, the Examiner apparently takes the position that the combined operation of Kuroda’s elements 101-103 and 105, in each branch of Fig. 3, results in the claimed channel characteristic estimation. Applicants respectfully disagree.

Kuroda describes the operation of each branch in Fig. 3, including elements 101-103 and 105, in col. 3, lines 3-67. Applicants respectfully submit that there is simply no teaching or suggestion in this passage, or anywhere else in Kuroda, that any of elements 101-103 and 105 estimates a channel characteristic. Further, there is no teaching or suggestion in Kuroda that any of these elements uses a reference signal contained in the received signal to perform its operation.

Applicants respectfully refer the Examiner to MPEP § 2143.03, which states:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.
In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Since Kuroda neither teaches nor suggest estimating a channel characteristic using a reference signal in the received signal, Applicants submit that Kuroda does not remedy the deficiencies of Abe for purposes of § 103.

At least for the reasons set forth above, Applicants respectfully submit that independent claims 1 and 15 are allowable. Further, Applicants submit that claims 2-12 are allowable at least by virtue of their dependency on claims 1 and 15. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejections under §§ 102 and 103.

Conclusion

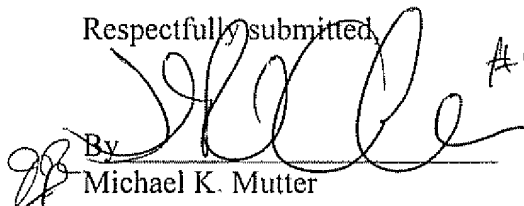
In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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